

Andover Conservation Commission Meeting Minutes

May 15, 2012

Town of Andover
36 Bartlett Street
3rd Floor Conference Room A
7:45 p.m.

Conservation Commission Members in Attendance:

Chairman Cooper, Commissioner Driscoll, Commissioner Fink, Commissioner Greenwood, Commissioner Honea, Commissioner Porter and Commissioner Walsh, Director Robert Douglas and was also present.

SCHEDULED ITEMS:

44 Vine Street

Present in Interest: Gary Costello and Bill MacLeod –Andover Consultants, Inc.

Staff Recommendation: Approvable as a Positive 2B and Negative 3 (w/conditions)

Public Meeting on the Request for Determination of Applicability filed by the Gary and Elizabeth Costello to determine if the proposed construction of two decks to be connected to an existing dwelling at is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40. DA2012-013

Director Douglas presented to the Commission. The application is for a backyard project deck. Intermittent Stream was identified by the USGS map. The project is a Buffer zone project and sedimentation controls were set according to the plan. The only digging will be to install sona tubes for supports. Andover Consultant's plan did not show monumentation on the plan. Mr. Douglas' recommendations were to install monuments along current tree line as a hedge against encroachment. The filing is exempt based upon the Town's Wetland lines project is more than 50 ft from the wetland. A waiver request from the applicant for tree line was submitted. Commissioner Fink asked about the roof drain and cellar drain is existing? Mr. Bill MacLeod from Andover Consultants, Inc. responded that they are existing.

Commissioner Porter made a motion to approve as a positive 2B and negative 3 with conditions; it was seconded by Commissioner Driscoll and it was unanimously approved.

3 Stone Post Road

Present in Interest: Greg Hochmuth-Hancock Associates

Recommendation: Discuss Revisions and Site walk

Continued Public Hearing on a Notice of Intent filed by Nick & Laurie Liatsos under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV to construct an in ground swimming pool, pool house, patios, retaining walls, and landscape improvements. DEP File #090-1155 (BD)

Director Douglas presented to the Commission. This Hearing was continued from meeting of April 17, 2012, for purposes of a site visit on April 26, 2012 and proposed mitigation for impervious surface and tree clearing. The project is a rather large backyard project. DEP offered no comments. The resource area is a sloping wetland. The project complies with our set-backs. A site walk has been conducted. A change to the original plan is that the pool has moved further from wetlands and the property line. The wetland line adjusted to site walk observations. The patio size was reduced, limit of clearing reduced, limit of work pulled further away from wetland and buffer zone. Additions to project include a infiltration trench added to patio, retaining wall eliminated and patio elevation lowered, drip trenches added to pool house, hemlocks added to property line, native plantings added, grading pulled closer to pool, clearing reduced and detail of the pools French drain added including pump outs.

Commissioner Porter noted that wetland species were found on the other neighbor's property. A discussion took place on taking down trees now. Commissioner asked if trees could be kept in a sustainable way. Representative stated that the project has been scaled back quite a bit eliminating the retaining wall. A letter was sent to the abutters by homeowners. The client is willing to keep trees. Commissioner Fink noted that this was a significant improvement from the original plan.

Commissioner Greenwood made a motion to Continue to June 5, 2012 to discuss Order of Conditions Draft; it was seconded by Commissioner Driscoll and it was unanimously approved.

6 Tech Drive

Present in Interest: John Crowe and Jacob Murray – Crowe Associates

Continued Public Hearing on a Notice of Intent filed by Sara Osborne under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV for removal of an existing concrete chiller pad with underground piping, dumpster pad and concrete wall enclosure and proposed construction of a new concrete pad for a prefab building structure, a new concrete sidewalk and two water quality swales. DEP File #090-1156

Director Douglas presented to the Commission. The Hearing was continued from meeting of April 17, 2012, for purposes of incorporating DEP and Commission comments. DEP requires no increase of peak discharge rates. Also, the seasonal high water table must not be within 2 feet of the bottom of the drainage trenches, and the trenches must have parabolic or trapezoidal cross-sections with slides slopes no greater than 3:1 and bottom widths ranging from 2-8'. The Commission requires a 25' vegetated setback.

John Crowe from Crowe Associates submitted revised site plans and drainage analysis to the Commission this evening. Mr. Crowe said that the project was removing an existing chiller pad and then constructing a new storage building. The building has been moved outside of the 25 ft no-build zone, and restoration plantings are proposed in the inner Buffer Zone. Mr. Crowe said the revised plans include an alternative drainage design with a dry detention basin instead of trenches to contain roof water. The revised plan also calls for removal of pavement from part of the existing parking lot so there is no increase in impervious cover. The dumpster will be on this area. Director Douglas stated the project does not meet the law during massive storms. John Crowe stated the changes will put the project below the requirements.

Commissioner Porter asked about the walkway design, and was concerned about what will be put in the dumpster. Mr. Crowe said the dumpster will be for used packing materials.

Commissioner Fink stated that redevelopment required the need to improve the stormwater management systems on the property. She questioned whether the design meets DEP standards. She asked whether soils tests had been conducted to determine groundwater elevation and infiltration rates. Mr. Crowe said he assumed the water table was the same elevation as the wetland and did not assume any infiltration would occur in the drainage systems. Ms. Fink notes that the long-term maintenance plan is limited to the trenches only and should include all on-site storm water management systems.

The Commission needed time to review the new materials submitted this evening. Director Douglas will draft the Order of Conditions this week.

Commissioner Greenwood made a motion to Continue to June 5, 2012 to discuss Order of Conditions Draft; it was seconded by Commissioner Driscoll and it was unanimously approved.

8 Snowberry Road

Present in Interest: Peter Hunt and Jack McQuilkan

Recommendation: Approve and Close Public Hearing

Continued Public Hearing on a Notice of Intent filed by Peter Hunt under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, for the proposed construction of a driveway drain at 8 Snowberry Road. DEP File #090-1152

Mr. Douglas presented to the Commission. The meeting was continued from March 20, 2012 for purposes of working out an easement.

Jack McQuilkan presented to the Commission that the easement agreement was provided and a letter from the owner of the easement. The Order of Conditions will be issued at the next Hearing on June 5, 2012.

Commissioner Walsh made a motion to Continue to June 5, 2012 to Draft Order of Conditions; it was seconded by Commissioner Greenwood; and unanimously approved.

Andover Country Club Legends I

Present in Interest: Doug Lees – Land Engineering & Environmental Services, Maureen Hanley- Norse Environmental

Public Hearing for a Request an Amended Order of Conditions filed by CA Investment Trust under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an increasing from 24 townhouse units to 32 townhouse units and alteration of building sizes & configuration of associated decks, driveways, grading, rooftop infiltration and utilities located at entrance of Crenshaw Lane. Legends – Phase I DEP #090-982

Director Douglas presented to the Commission. The site has an approved Order 090-982, and the proponents are seeking to reconfigure several of the units, by up-sizing them and adding decks. They are also looking to change some of the locations, and add eight more units. The majority of the work for the whole subdivision is outside the buffer zone. The majority of work proposed in the buffer zone appears to be in the area where the current permit covers. There are positives in that a cart path in the buffer will be relocated. The new building roofs are proposed to be fully infiltrated. As with the original, all of our setbacks are met for this proposed plan.

Mr. Douglas recommended peer review and said a proposal from ESS Group for engineering review is on file. He also recommended Jeff Bridge, who worked on the original project, to be retained as well. Due to a mix-up in permitting (by the proponent), the new configuration was permitted by the Planning Board, and the ZBA, but the revision did not return to Conservation. Work has already begun on site, and the permitting oversight was picked up during a recent inspection. The work now on-going is under the revised plan set presented tonight. Consideration of continuing hearing, requiring peer reviews, site walk, receipt of a 'total impervious change' relative to previous plan, and other direct action by the commission.

Representative Maureen Hanley – Norse Environmental presented to Commission the proposed construction configuration of the townhouse units and the alterations of buildings sizes, locations, driveways, grading, etc. The mail kiosk has also been changed and has already been built.

Commissioner Fink asked whether the original stormwater management systems would accommodate the additional work and noted that DEP storm water standards have changed since the original permit was issued. Doug Lees, Representative, stated that the existing systems include catch basins and stormceptors for street runoff, and drywells for roof runoff. He said drainage calculations were submitted to ESS Group.

The Commission decided to ask Janet Bernardo from ESS Group to see if the Amendment meets the revised standards. The Commission asked to see copies of the present Order of Conditions to determine whether it needs to be amended. The Commission also wants to inspect the site.

Commissioner Walsh made a motion to Continue to June 5, 2012; it was seconded by Commissioner Greenwood; and unanimously approved.

Andover Country Club Legends II

Present in Interest: Doug Lees, Land Engineering & Environmental Services, Maureen Hanley, Norse Environmental

Public Hearing for a Request an Amended Order of Conditions filed by CA Investment Trust under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an increasing from 27 townhouse units to 28 townhouse units and alteration of building sizes & configuration of associated decks, driveways, grading, rooftop infiltration and utilities. Legends – Phase II DEP #090-985

Mr. Douglas presented to the Commission revised plans for proposed construction of townhouse units, with changes similar to the previous “Legends I” revisions. Work has also begun on this project without approval for plan revisions from the Commission.

Maureen Hanley from Norse Environmental described the details of the proposed revisions. Units 8 and 9 affect the buffer zone and are to be slightly larger with decks, but meet the 25 ft no-disturb zone. Unit 14 driveway falls within the buffer zone and Unit 13 is not constructed.

Commissioner Driscoll asked the question about the limit on the number of houses that were originally approved by the Planning Board for the entire Country Club site. Ms. Hanley said the Planning Board had approved this revision.

Mr. Douglas suggested we handle these revisions as an Amendment. Commission asked for the following areas to be addressed: 1) What work was done without approval, and how to address violations of Order of Conditions. 2) Peer review by Jeff Bridge and Janet Bernado of ESS Group. The Commission scheduled a site visit on May 24th Thursday at 7:30 a.m., meeting at 3 Crenshaw Lane (Cormier Office parking lot).

Commissioner Walsh made a motion to Continue to June 5, 2012 to address the concerns raised; it was seconded by Commissioner Porter; and unanimously approved.

239 – 256 High Plain Road

Present in Interest: Ben Osgood- Pennoni Associates, Rick and Kathy Dube, abutters

Public Hearing on a Notice of Intent filed by Town of Andover DPW under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, consisting of improvements to rebuild and raise 600 feet of road and replace existing stone culvert with new precast concrete box culvert.

Director Douglas presented to the Commission. The project is to consist of rebuilding and raising and widening 600 ft of the road, adding a sidewalk, and replacing the existing stone culvert with a new precast concrete box culvert. He reported that a site inspection was made and some new wetland flags were set. The plan will be revised.

Mr. Ben Osgood, Representative from Pennoni Associates, submitted photos of flooding on the roadway in 2010. FEMA 100-year flood elevation is 122'. The roadway is now 117' at the lowest. The roadway will be raised to 120' to decrease the depth and duration of flooding.

Mr. Dube, abutter, asked why not raise it to 122'. Mr. Osgood said this would require much more extensive filling of BVW and floodplain. Mr. Dube asked whether the downstream railroad and I-495 culverts could be modified to lower the flood elevation. Mr. Osgood said that might cause flooding downstream and was not in the scope of this project.

Mr. Osgood stated that work will include filling of BVW and replication. Work will also include filling floodplain, altering bank, and altering land under water and Riverfront area. Compensatory flood storage will not be provided. Work can be considered as a limited project. The site plans were being revised to include additional wetlands delineation in the replication area, and the project would provide a 1.5:1 replacement of BVW to be filled. He said the Mean Annual High Water is at the BVW boundary in most places. The existing culvert will be replaced with a larger culvert that will allow for more water to flow through the opening. The roadway will be widened and a sidewalk will be added to improve safety.

Mr. Osgood said the work will take place in endangered species habitat for turtles. An approval was sent from Natural Heritage today. He will provide copies to the Commission.

Commissioner Fink had concerns about the proposed drainage systems, consisting of catch basins leading to forebays. These are pretreatment structures, but there is no detention or infiltration treatment structure. Also, the forebays are proposed at the lowest part of the site, and may be hindered by groundwater and flooding. She asked Mr. Osgood to look for additional locations for stormwater treatment systems higher up the roadway east and west of the site.

Areas the Commission would like addressed: 1) submit drainage calculations; 2) consider sidewalk to be a bridge; 3) provide pre-treatment and treatment for stormwater; 4) submit Natural Heritage comments; 5) submit DEP comments; 6) submit revised wetland boundaries with field data; 7) submit detailed BVW replication plan; 8) provide elevations.

Commissioner Greenwood made a motion to Continue to June 5, 2012 to address concerns; it was seconded by Commissioner Driscoll; and unanimously approved.

600/800 Federal Street and 165/171 Chandler Road

Present in Interest: Susan Mohn – John Crowe Associates, Greg Hochmuth – Hancock Associates

Continued Public Hearing on a Notice Intent filed by Leggat McCall Properties LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for a 77,114 s.f. building addition and parking expansion work proposed within the 100' buffer zone of bordering vegetated wetland. 090-1158

Director Douglas presented to the Commission that the hearing was continued from May 3rd to allow time for a site visit. A site visit took place and there was a formulation of questions of concern. He has arranged for peer review by the engineer and vernal pool biologist at ESS.

Sue Mohn, representative from John Crowe Associates, gave a brief history of the site. She noted that part of the site is in the Watershed Protection Overlay District. All proposed work is more than 400 feet outside of the Fish Brook and Haggetts Pond in the priority 2 zone. Proposed detention and infiltration beds are outside of the WPOD. Two vernal pools have been identified near proposed work areas.

The Commission had the following concerns: 1) Delineate vernal pool boundaries and address state and local by-law performance standards (edges of vernal pool, shallow water/stained leaves); 2) Cumulative effect of tree

clearing next to vernal pool – consider alternative parking designs to preserve Buffer Zone forest habitat; 3) Effect of stormwater discharges on the pools in reference to water management; 4) Flag wetlands to northeast of main activities; 5) Water level changes resulting from proposed changes (change in watershed and flow to pools);

Commissioner Greenwood made a motion to continue to a date uncertain; it was seconded by Commissioner Driscoll; and unanimously approved.

ACTION ITEMS:

4 Willoughby Lane

Vote on letter and plan pursuant to Enforcement Order issued on March 20, 2012 resulting in the Denial of Certificate of Compliance. DEP File #090-0895

The Commission reviewed the as-built site plan. The site was constructed with had numerous unauthorized structures and other changes, making the site in violation to the Order of Conditions. A hot tub was added. The pool is slightly different, and also landscaping, retaining walls, enlarged decks, and patios. A further review of changes and a site visit are needed to decide course of action.

Commissioner Greenwood made a motion to continue to June 5, 2012; it was seconded by Commissioner Driscoll; and unanimously approved.

CONSENT AGENDA:

Minutes

The Commission reviewed draft minutes for the meeting of April 3, 2012, April 13, 2012 (executive session), April 13, 2012, April 17, 2012 and May 3, 2012.

Commissioner Driscoll made a motion to approve the minutes of April 3, 2012, April 13, 2012 (executive session), April 13, 2012, April 17, 2012 and May 3, 2012 as drafted: it was seconded by Commissioner Honea and unanimously approved.

South Main Street – Contract 3

Issuance of a Certificate of Compliance for the Order of Conditions for Sewage Works Improvements, Contract 3 at South Main Street. DEP File #090-0835

Commissioner Walsh recused himself.

Commissioner Driscoll made a motion to issue Certificate of Compliance for the Order of Conditions for Sewage Works Improvements, Contract 3; it was seconded by Commissioner Honea and approved.

Gas Utility Line- Chestnut & River Street

The Commission reviewed a letter of Notification for Installation of Replacement of Natural Gas Lines.

23 Belknap Drive

Issuance of Satisfactory Completion of Work Certificate

Commissioner Driscoll made a motion to issue a Satisfactory Completion of Work Certificate; it was seconded by Commissioner Honea and unanimously approved.

Boy Scout Troup 77

This item was on the agenda for a presentation. The Boy Scout Troop 77 Benjamin Keffer was to build a small

billboard with a roof for hanging maps and other notices for the Virginia Hammond Reservation and Rafton Reservation. The applicant was not present and no presentation took place.

3 Barbara Lane

The Commission signed the Denial Order of Conditions that was not signed at the meeting of May 3, 2012. DEP File #090-1157

DISCUSSION ITEMS:

West Middle School

Discussion on the Order of Conditions for West Middle School DEP File # 090-1153.

Director Douglas presented a draft Order to the Commission and reviewed the changes submitted by the Commission.

Commissioner Porter made a motion to issue Order of Conditions as Drafted; it was seconded by Commissioner Driscoll and it was unanimously approved.

Rolling Green Comprehensive Permit Application

A discussion took place on the Rolling Green Project. A revised project plan was submitted to the Zoning Board of Appeals in April. There is a proposal to fill to the northern half of the southern pond with a building foundation. A pipe is to be added through a retaining wall and an additional pipe to drain the pond. It was voted on by the Commission that Commissioner Fink and Commissioner Driscoll will be advising the Zoning Board of Appeals on the Rolling Green 40B Project on June 7th and will draft comments for consideration by the Conservation Commission on June 5th.

Commissioner Greenwood made a motion to vote to appoint Commissioner Driscoll and Commissioner Fink as subcommittee representatives for the project; it was seconded by Commissioner Honea and it was unanimously approved.

The next meeting will be held at 7:45 p.m. on June 5, 2012. The meeting was adjourned at 10:50 p.m. by motion of Commissioner Honea. It was seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by:
Wendy Adams
Recording Secretary